

**City of Reading City Council  
Regular Business Meeting  
Monday, February 14, 2011**

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Cindy Carr from the Bethel AME Church.

All present pledged to the flag.

**ATTENDANCE**

Council President Spencer  
Councilor Acosta, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Waltman, District 6  
Managing Director C. Geffken  
City Auditor D. Cituk  
City Clerk L. Kelleher  
City Solicitor C. Younger  
Sergeant at Arms Captain R. Schafer

**PROCLAMATIONS AND PRESENTATIONS**

City Council issued the following commendations:

- Recognizing Black History Month, accepted by Frank Gilyard NAACP Executive Committee member
- Recognizing the African American Coalition of Reading, accepted by Ed Terrell

**PUBLIC COMMENT**

Council President Spencer announced that two (2) citizens were registered to address Council on non-agenda topics. He inquired if any member of Council objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered of the remaining public speaking rules.

**Ernie Schlegel**, of Pear Street, encouraged Council and the Administration to release the anti-

poverty report named Rebuilding Reading to the public. He stated that this report was drafted with the assistance from approximately 150 community members. He encouraged the documents public release to ensure wide-spread dissemination.

**Kathleen Care**, of Eckert Avenue, stated that she installed a wrought iron railing in front of her home without having knowledge of the need to obtain a certificate of appropriateness from the Historical Architectural Review Board (HARB). She stated that she appeared before HARB after the railing was installed; however, HARB did not approve the certificate of appropriateness. She stated that her opportunity to appeal HARB's decision had passed and asked to Council consider allowing her to appeal HARB's decision.

Council President Spencer stated that Council would need to defer to the Solicitor. City Solicitor Younger stated that he would explore the situation and respond to Ms. Care promptly.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Spencer called Council's attention to the minutes from the January 10<sup>th</sup> and January 24<sup>th</sup> regular meetings of Council and the agenda prepared for this meeting. He noted the need for the following amendments to the agenda.

- Add the vacation of Sheridan Street Ordinance, currently in the pending box, to Ordinances for Final Passage.
- Award of Contract to Hess Embroidery for Police uniforms to be handled separately.

## **Consent Agenda Legislation**

**Award of Contract** - for the Laboratory Services RFP for the Wastewater Treatment Plant MJ Reider, 107 Angelica Street, Reading, PA 19611, for a total submitted price of approximately \$57,511.00 (**Purchasing**)

**Resolution 32-2011** affirming the blight certification approved by the City of Reading Blighted Property Review Committee and Planning Commission (**Council Staff**)

**Resolution 34-2011** supporting the desire of the College Heights Community Council area to apply for and be designated as "The Heights" Historic District with the Pennsylvania Historic Museum Commission (**Council Staff**)

**Resolution 33-2011** authorizing the disposition of the following public records from the Police Department dated prior to January 1, 1991 (**Council Staff/Police**)

Councilor Reed moved, seconded by Councilor Marmarou, to approve the minutes from the January 10<sup>th</sup> and 24<sup>th</sup> regular meetings of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously

**Award of Contract** – to Hess Embroidery, 513 Reading Avenue, West Reading, PA 19611, who is the low bidder, at a total bid price of \$195,742.50 for police uniforms (**Purchasing**)  
*Tabled at the Jan 24 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table the Award of Contract to Hess Embroidery.

The motion to table the award of contract to Hess Embroidery was adopted by the following vote:

**Yeas:** Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,  
**President – 6**

**Nays:** Acosta – 1.

## **ADMINISTRATIVE REPORT**

Managing Director Geffken read the report distributed to Council at the meeting covering the following:

- Start of the Quality of Life Ticketing
- Update on the Completion of the Core Services Ranking
- Issuance of Zoning Recommendations on February 28<sup>th</sup>

Councilor Goodman stated that she is pleased with the start of the Quality of Life ticketing. She noted the need for the City to remove snow from all public properties. She noted the lack of snow removal at Neversink playground.

## **COMMUNITY DEVELOPMENT REPORT**

Dan Robinson, Director of Community Development, highlighted the report distributed to Council at the meeting. He stated that during the 2010 calendar year the Community Development Department achieved the following:

- Administered the CDBG program covering HOME, EFG, HPRP, CDBG, NSP2, and Blighted Property Review Committee
- Administered various grant activities
- Administered planning, zoning, and historic preservation
- Oversaw development activities, issued trade permits, and oversee construction projects
- Added Property Maintenance inspection and the Property Maintenance Division

Councilor Sterner thanked Mr. Robinson for his report. He inquired if the Hershey property, located at 8<sup>th</sup> and Walnut Streets, was recently sold to a private owner. Mr. Robinson replied that the property was recently sold to a private party who plans utilize approximately 25% of the existing facility and sublease the remainder to other taxable entities.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- MDJ fines issued during 2010, which came in \$163K less than the budgeted revenue benchmark
- Collection of the 2010 franchise fee
- The City's 2010 Unemployment costs, which came in under the budgeted expenses benchmark by \$289K.

Council President Spencer reminded Council of the newspaper article in which President Judge Schmehl stated that District Justice Xavios seat would be eliminated to match the state-wide effort reduce the judiciary.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 3-2011** - ordering an investigation under the authority of the Home Rule Charter Section 210, regarding the use of sewer funds (**Council Members**) *Introduced at the Jan 10 regular meeting; Tabled at the Jan 24 regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Bill No. 3-2011.**

**Bill No. 3-2011 was tabled by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,  
President – 6**

**Nays: Acosta – 1.**

**Bill No. 5-2011** - revising, permanently, the traffic pattern and regulations of the City of Reading to restrict direction of travel for traffic on Klein Avenue to one-way travel, eastbound, from/ between 17th Street to/and 18th St (**Law/Public Works**) *Introduced at the Jan 24 regular meeting*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 5-2011.**

Councilor Goodman-Hinnershitz provided background and noted that the change was

originally requested by Kline Avenue residents; however the Administration put the traffic pattern change in place incorrectly, without proper public input and without approval by City Council. She described the community meetings held to discuss this change in traffic pattern with the community.

**Bill No. 5-2011 was enacted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Bill No. 6-2011** - that the City of Reading hereby adopts the provisions set forth in Pennsylvania Statutes 21 P.S. Sect. 611 to and including 21 P.S. Sect. 615 regarding the use of properties in violation of zoning laws (as attached hereto) **(Law) Introduced at the Jan 24 regular meeting**

**Councilor Reed moved, seconded by Councilor Sterner, to table Bill No. 6-2011.**

Council President Spencer explained that the purpose of the statute is to penalize realtors who falsely advertise properties. He stated that adopting these provisions at the local level will allow the City to penalize realtors who violate these provisions.

**Bill No. 6-2011 was tabled by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Bill No. 7-2011** - setting forth its intent to issue a series of federally-taxable general obligation notes of the City in the aggregate principal amount not to exceed sixteen million dollars (\$16,000,000) **(Finance) Introduced at the Jan 24 regular meeting**

**Councilor Marmarou moved, seconded by Councilor Waltman, to enact Bill No. 7-2011.**

**Bill No. 7-2011 was enacted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Bill No. 8-2011** - amending the City of Reading Zoning Ordinance codified as Chapter 27 of the City of Reading ordinances to correct typographical errors, adjust and clarify the zoning ordinance adopted July 2010 and to establish requirements for nonconforming use, permit auto repair and car washes as a permitted by right use in the manufacturing-commercial zoning district, to reduce the maximum square foot of a garage /carport in the r-1a zoning district to 600 square feet, to increase the maximum square footage of a garage/carport in a r-1 zoning district to 600 square feet, establish additional requirements for newly built or placed dwelling unit in r-1 zoning district, provide for a maximum percentage of land for parking in front yard in r-2 zoning district, amend hours of operation for a social club as well as establish minimum lot area, provide maximum number of children in a day care home with lot size of less than 2500 square feet, add laundromats and personal service businesses by right in c-h zoning district, establish access requirements for multiple occupancy building, limit yard sales to four times per year per lot and two days, authorize council to make modifications of listed requirements through conditional use process, add requirements for operation of a day care, clarify measurements for fence and wall construction, limiting two access driveways, require minimum of five parking spaces for restaurants, taverns and nightclubs, and add definitions (Law) *Introduced at the 12/27/10 regular meeting; Advertised December 27, 2010 and January 3, January 12 and January 18, 2011 Public hearing held Jan 26; Re-advertised February 4, 2011.*

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 8-2011.**

Councilor Reed expressed her belief in this amendment that will clarify the City Zoning Ordinance. She noted the hard work by the Zoning Committee to address a variety of areas including the use and placement of pre-fabricated homes in R-1 Zoning Districts.

Councilor Reed and Goodman-Hinnershitz thanked the City Clerk for following up on various Zoning issues.

**Bill No. 8-2011 was enacted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Bill No. 9-2011** - vacating Sheridan Street (Housing Authority) *Introduced at the Jan 10 regular meeting*

**Councilor Acosta moved, seconded by Councilor Marmarou, to enact Bill No. 9-2011.**

Council President Spencer stated that Public Works Director Jones stated that all the proper paperwork was submitted and reviewed and that the Public Works Director agrees with the vacation of Sheridan Street.

Councilor Acosta stated that this effort was initiated by the Housing Authority.

**Bill No. 9-2011 was enacted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinance into the record:

**A. Ordinance** - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section E Citizens Advisory Board (CAB) to specify the appointments and term expiration **(Law)**

**B. Ordinance** - amending the Quality of Life Violation Ticket Process by amending Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances Part 14 by adding Sections 112 Collections and 113 Liens and renumbering Sections 112 and 113 to 114 and 115 Nonexclusive Remedies and Severability **(Law)**

**C. Ordinance** – amending the Salary Range Ordinance by creating the salary range for the Director of Administrative Services and amending the salary range of the Fire and Rescue Services Chief and the salary range of the Police Chief **(Man Dir)**

**D. Ordinance** – setting the salary of the Director of Administrative Services **(Man Dir)**

**E. Ordinance** - amending the City of Reading Organizational Chart as follows: Transferring the Property Maintenance Division from the Police Department to the Department of Community Development **(Man Dir)**

## **RESOLUTIONS**

After discussion, City Council decided to address all appointment resolutions individually.

**Resolution 35-2011** - appointing Michael Leifer to the Main Street Board **(Admin Oversight)**

**Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 35-2011.**

**Resolution No. 35-2011 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Resolution 36-2011 - reappointing John Hefferon to the Disruptive Conduct Review Board (Admin Oversight)**

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 36-2011.**

**Resolution No. 36-2011 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Resolution 37-2011 – appointing Matthew Griffith as an alternate to the Zoning Hearing Board (Admin Oversight)**

**Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution No. 37-2011.**

**Resolution No. 37-2011 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Resolution 38-2011 – appointing Eron Lloyd to the Water Authority (Admin Oversight)**

**Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution No. 38-2011.**

**Resolution No. 38-2011 was adopted by the following vote:**



**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Resolution 39-2011 – appointing Barry Unger to the Plumbing Board (Admin Oversight)**

**Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution No. 39-2011.**

**Resolution No. 39-2011 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7**

**Nays: None– 0.**

**Resolution 40-2011 – reappointing Susan Gibson to the Charter Board (Admin Oversight)**

**Councilor Reed moved to adopt Resolution No. 40-2011.**

**Councilor Goodman-Hinnershitz moved to table Resolution 40-2011.**

**Councilor Acosta seconded the motion to adopt Resolution 40-2011.**

**Councilor Sterner seconded the motion to table Resolution 40-2011.**

City Council then questioned City Solicitor Younger about proper Parliamentary procedure. City Solicitor Younger stated that the motion to table takes precedence. He also noted that in the Committee of the Whole meeting he advised the body of Council that they should not vote on Resolution 40-2011 as that candidate was not recommended by the Mayor, as required by the Charter Board Ordinance.

**Resolution No. 40-2011 was tabled by the following vote:**

**Yeas: Goodman-Hinnershitz, Sterner, Waltman, Spencer, President – 4**

**Nays: Acosta, Marmarou, Reed – 3.**

## COUNCIL COMMENT

Councilor Goodman-Hinnershitz announced the town meeting on Thursday, February 24<sup>th</sup> at 6:30pm at Pendora field house about the future of Pendora Park. She thanked the Council Staff for working to create and get an 1100 piece mailing out to affected residents.

Councilor Goodman-Hinnershitz stated that Council's discussion pertaining to the reappointment of Ms. Gibson to the Charter Board is not a reflection of the candidate but about the use of proper procedure and process.

Councilor Reed thanked Councilors Acosta and Marmarou for supporting Susan Gibson's reappointment. She expressed the belief that the Mayor's lack of support for this appointment is a slap at Ms. Gibson and the Charter Board as a whole. She noted the diligent work of Ms. Gibson and stated that she is sorry to see the Mayor politicizing appointments.

Councilor Waltman noted the need to undertake proper process when making reappointments to the City's Boards.

Councilor Acosta noted that the Mayor merely recommends Charter Board appointments for Council's approval. He expressed the belief that appointments to the Charter Board need to be apolitical.

Councilor Sterner suggested discussing this issue with the Mayor before moving further.

Councilor Sterner announced the Outlet Area Community meeting on Wednesday, February 23<sup>rd</sup> at 6:00pm at Saint Marks, located at 10<sup>th</sup> and Windsor.

Councilor Marmarou stated that he disagrees with the Mayor's position regarding the reappointment of Ms. Gibson.

Council President Spencer stated that in Public Comment Mr. Schlegel suggested that Council release the Anti-Poverty Commission's report called Rebuilding Reading. He stated that it is up to the Mayor to release the report as the Anti-Poverty Commission was appointed by the Mayor.

Council President Spencer reviewed the upcoming meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.**

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

